

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Clean Air Interstate Rule (CAIR) Nitrogen Oxides (NO_x) Trading Programs SIP Revision (0702Pot1)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Quality Assessment Division, is proposing a revision to the Louisiana air quality State Implementation Plan (SIP). The proposed revision of the SIP is necessary to comply with the Clean Air Interstate Rule (CAIR) as promulgated by the U.S. Environmental Protection Agency (EPA) on May 12, 2005. CAIR establishes a budget cap for each state for sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions from electrical generating units (EGUs) and allows for emissions trading. Following the promulgation of CAIR, EPA promulgated a Federal Implementation Plan (FIP) for the rule on April 28, 2006. The FIP became effective on June 27, 2006. The FIP gives limited flexibility in implementation of certain federal rule provisions related to CAIR and provides states with an option to submit an abbreviated SIP. Louisiana has opted to submit an abbreviated SIP for the Annual and Ozone Season allowance allocations method (proposed rule AQ261) and will remain under the provisions of the FIP for the Annual and Ozone Season NO_x Trading Programs.

On January 20, 2007, the department proposed a rule for the CAIR NO_x Trading Programs (AQ261). This rule defines the state's method under the CAIR Annual and Ozone Season NO_x Trading Programs for allocating NO_x allowances to EGUs subject to CAIR. CAIR allows states some flexibility in implementation of rule provisions related to methods for allocating NO_x allowances. The state provisions in the proposed rule AQ261 would be used in lieu of 40 CFR 96, Subpart EE – CAIR NO_x Allowance Allocations (§96.141 and §96.142) and Subpart EEEE – CAIR NO_x Ozone Season Allowance Allocations (§96.341 and §96.342). Upon final promulgation, AQ261 will be submitted to EPA as a revision to the Louisiana SIP. The submittal of an approvable abbreviated SIP revision for the CAIR Annual and Ozone Season NO_x Trading Programs satisfies Louisiana's obligations under Section 110(a)(2)(D)(i) of the Clean Air Act (CAA).

The public hearing for the revision to the SIP will be held on February 27, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Aucoin, at (225) 219-3575 at the address given below. Parking in the Galvez Garage is free with a validated parking ticket.

Interested persons are invited to submit written comments concerning the proposed CAIR abbreviated SIP revision no later than 4:30 p.m., March 30, 2007. Comments should be sent to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to vivian.aucoin@la.gov. The proposed SIP revisions are available on the Internet at <http://www.deq.louisiana.gov/portal/tabid/2381/Default.aspx> under Louisiana SIP Revisions.

A copy of the proposed SIP revision may be viewed at the following DEQ office locations from 8 a.m. to 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 7101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel